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OFFICE OF PETITIONS

In re Application of	:
Frenkil	: DECISION ON APPLICATION
Application No. 10/777,184	: FOR PATENT TERM ADJUSTMENT
Filed: February 13, 2004	:
Atty. Dkt. No.: 24988-00101	:

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT," filed January 8, 2008. This matter is being properly treated under 37 CFR 1.705(b) as an application for patent term adjustment.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is hereby GRANTED.

The correct determination of PTA at the time of the mailing of the Notice of Allowance is 363 days.

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b), mailed October 17, 2007, indicated a patent term adjustment (PTA) to date of 261 days. The instant application for PTA was timely filed January 8, 2008. Applicant argues that the application is entitled to an overall adjustment of 363 days.

Applicant does not contest the adjustment of 363 days accorded under 37 CFR 1.702(a)(1).

Applicant contests the reduction of 125 days in connection with the reply to the restriction requirement mailed May 4, 2006. Applicant argues that the correct reduction in this regard is four days.

A review of the record reveals that the reply to the restriction requirement was received August 8, 2006, as substantiated by the copy of the return postcard to this effect contained in the record.

Thus, the adjustment is properly reduced four days in accordance with 37 CFR 1.704(b). The reduction commenced August 5, 2006, the day after the date that is three months after the date that the restriction requirement was mailed, and ended August 8, 2006, the date that the reply was filed.

Applicant further argues that the application is entitled to an additional adjustment of 77 days in connection with the non-final Office action mailed February 23, 2007.

A review of the record reveals that applicant is correct. In accordance with 37 CFR 1.702(a)(2), the application is entitled to a further adjustment of 77 days. The adjustment commenced December 9, 2006, the day after the date that is four months after the date that the reply to the restriction requirement was filed, and ended February 23, 2007, the date that the non-final Office action was mailed.

Applicant points out that the adjustment should be reduced 96 days in connection with the reply to the non-final Office action mailed February 23, 2007.

A review of the record reveals that applicant is correct. The adjustment is properly reduced 96 days in accordance with 37 CFR 1.704(b). The reduction commenced May 24, 2007, the day after the date that is three months after the date that the non-final Office action was mailed, and ended August 27, 2007, the date a reply thereto was filed.

In view thereof, at the time of allowance, the application is entitled to an overall adjustment of 363 days (adjustments totaling 463 days less reductions totaling 10 days), as argued by applicant.

Receipt is hereby acknowledged of the required PTA application fee of \$200.00.

Applicant is further advised that the patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

The application file is being forwarded to the Office of Patent Publication for issuance of a patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3205.



Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure: Adjusted PAIR Calculation

Day : Sunday
Date: 6/14/2009

PALM INTRANET

Time: 10:24:56

PTA Calculations for Application: 10/777184					
Application Filing Date:		02/13/2004	PTO Delay (PTO):		386
Issue Date of Patent:			Three Years:		0
Pre-Issue Petitions:		0	Applicant Delay (APPL):		125
Post-Issue Petitions:		0	Total PTA (days):		363
PTO Delay Adjustment:		102			

File Contents History					
Number	Date	Contents Description	PTO	APPL	START
68	06/14/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		4	
67	06/14/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		96	
66	06/14/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	77		
65	06/14/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	125		
58	10/17/2007	MAIL NOTICE OF ALLOWANCE			
57	10/17/2007	MAIL EXAMINER'S AMENDMENT			
56	10/12/2007	ISSUE REVISION COMPLETED			
55	10/12/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
54	10/04/2007	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
53	10/04/2007	DOCUMENT VERIFICATION			
52	10/01/2007	EXAMINER'S AMENDMENT COMMUNICATION			
51	10/01/2007	NOTICE OF ALLOWABILITY			
48	08/27/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
47	03/05/2007	MAIL NON-FINAL REJECTION			
45	09/26/2007	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
40	03/05/2007	NON-FINAL REJECTION			
39	12/07/2006	MISCELLANEOUS INCOMING LETTER			
38	02/23/2007	DATE FORWARDED TO EXAMINER			
37	02/01/2007	RESPONSE AFTER NON-FINAL ACTION			
36	02/01/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
31	02/23/2007	MAIL NON-FINAL REJECTION			
30	02/20/2007	NON-FINAL REJECTION			

29	02/20/2007	DATE FORWARDED TO EXAMINER			
28	12/07/2006	RESPONSE TO ELECTION / RESTRICTION FILED		125	15
27	02/13/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
15	05/04/2006	MAIL RESTRICTION REQUIREMENT	386		-1
14	05/01/2006	REQUIREMENT FOR RESTRICTION / ELECTION			
13	08/11/2005	CASE DOCKETED TO EXAMINER IN GAU			
12	09/28/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
11	02/13/2004	REFERENCE CAPTURE ON IDS			
10.7	02/13/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	02/13/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	09/28/2004	CASE DOCKETED TO EXAMINER IN GAU			
8	05/11/2004	APPLICATION RETURN FROM OIPE			
7	05/11/2004	APPLICATION RETURN TO OIPE			
6	05/10/2004	APPLICATION DISPATCHED FROM OIPE			
5	05/11/2004	APPLICATION IS NOW COMPLETE			
4	03/23/2004	CLEARED BY OIPE CSR			
3	03/23/2004	CASE CLASSIFIED BY OIPE			
2	03/17/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	02/13/2004	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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